



BOARD OF COUNTY COMMISSIONERS SHELBY COUNTY, TENNESSEE

A G E N D A

APRIL 23, 2007

Commissioner Joe Ford, Chairman
Commissioner David Lillard, Chairman Pro Tempore
Commissioner Joyce Avery
Commissioner Henri E. Brooks
Commissioner Wyatt Bunker
Commissioner Mike Carpenter
Commissioner Sidney Chism

Commissioner George Flinn
Commissioner J.W. Gibson II
Commissioner James Harvey
Commissioner Deidre Malone
Commissioner Steve Mulroy
Commissioner Mike Ritz

8/27/2007 10:19 AM

2:30 P.M. COMMISSION CONVENES

CALL TO ORDER Deputy Sheriff

INVOCATION Pastor Freddie Moore
Holy Community Church

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE Observe April 16th Tragedy of Virginia Tech and
Expression of Sorrow and Support of Families and
Friends.

Remarks from Mayor A C Wharton, Jr., and Representatives of
Memphis Chapter of Virginia Tech Alumni Association.

ROLL CALL

Approval of Minutes of Previous Sessions

MALONE March 26, 2007
ADOPTED April 9, 2007

C O N S E N T A G E N D A

Resolutions of Memorial, Sympathy and Commendation

LILLARD
ADOPTED

1. Resolution Honoring Dr. William R. Bouknight, upon his retirement as Senior Minister of Christ United Methodist Church, and expressing gratitude for his exceptional Ministry and Evangelism which has inspired countless citizens to know and accept Jesus Christ as their Lord and Savior.

Ordinances

- | | | |
|-------------------------------------|----|--|
| MALONE
APPROVED | 2. | <u>ORDINANCE – FIRST READING</u> – An Ordinance to adopt <i>Supplement No. 31</i> to the Code of Shelby County, Tennessee. |
| MALONE
(DEFERRED
TO 05/07/07) | 3. | <u>ORDINANCE – SECOND READING</u> - An ordinance to amend Chapter 12, Code of Ordinances, Shelby County Government, so as to establish a living wage standard. |
| MULROY
APPROVED | 4. | <u>ORDINANCE – FIRST READING</u> – A Joint Ordinance by the Council of the City of Memphis and by the Shelby County Board of Commissioners amending the <i>Joint Existing Building Code</i> of Memphis and Shelby County, as last adopted by the Shelby County Board of Commissioners in Joint Ordinance No. 295 on June 6, 2005, and by the Council of the City of Memphis in Ordinance No. 5124 on September 6, 2005, so as to make certain changes as hereinafter set out and establish an effective date. |
| RITZ
APPROVED | 5. | <u>ORDINANCE – FIRST READING</u> – A Joint Ordinance by the Council of the City of Memphis and by the Shelby County Board of Commissioners amending the <i>Joint Building Code</i> of Memphis and Shelby County, as last adopted by the Shelby County Board of Commissioners in Joint Ordinance No. 296 on June 6, 2005, and by the Council of the City of Memphis in Ordinance No. 5122 on September 6, 2005, so as to make certain changes as hereinafter set out and establish an effective date. |
| RITZ
APPROVED | 6. | <u>ORDINANCE – FIRST READING</u> – A Joint Ordinance by the Council of the City of Memphis and by the Shelby County Board of Commissioners amending the <i>Joint Electric Code</i> of Memphis and Shelby County, as last adopted by the Shelby County Board of Commissioners in Joint Ordinance No. 297 on June 6, 2005, and by the Council of the City of Memphis in Ordinance No. 5123 on September 6, 2005, so as to make certain changes as hereinafter set out and establish an effective date. |
| RITZ
APPROVED | 7. | <u>ORDINANCE – FIRST READING</u> – A Joint Ordinance by the Council of the City of Memphis and by the Shelby County Board of Commissioners amending the <i>Joint Fuel Gas Code</i> of Memphis and Shelby County, as last adopted by the Shelby County Board of Commissioners in Joint Ordinance No. 298 on June 6, 2005, and by the Council of the City of Memphis in Ordinance No. 5125 on September 6, 2005, so as to make certain changes as hereinafter set out and establish an effective date. |
| RITZ
APPROVED | 8. | <u>ORDINANCE – FIRST READING</u> – A Joint Ordinance by the Council of the City of Memphis and by the Shelby County Board of Commissioners amending the <i>Joint Mechanical Code</i> of Memphis and Shelby County, as |

last adopted by the Shelby County Board of Commissioners in Joint Ordinance No. 299 on June 6, 2005, and by the Council of the City of Memphis in Ordinance No. 5122 on September 6, 2005, so as to make certain changes as hereinafter set out and establish an effective date.

RITZ
APPROVED

9. ORDINANCE – FIRST READING – A Joint Ordinance by the Council of the City of Memphis and by the Shelby County Board of Commissioners amending the *Joint Plumbing Code* of Memphis and Shelby County, as last adopted by the Shelby County Board of Commissioners in Joint Ordinance No. 300 on June 6, 2005, and by the Council of the City of Memphis in Ordinance No. 5120 on September 6, 2005, so as to make certain changes as hereinafter set out and establish an effective date.

Zoning and Subdivisions

RITZ
DROPPED

10. Resolution to release the bond that secured the improvements to Lost Creek P.D. (P.D. 04-381 CC).

RITZ
(DEFERRED
TO 05/07/07)

11. Resolution to approve the agreement to secure the improvements to Sunset Ridge P.D. (P.D. 02-341 CC) and authorize the recording of the plat when bonding procedures have been fulfilled.

RITZ
(DEFERRED
TO 05/07/07)

12. Resolution to release the bond that secured the improvements to St. Andrews Place P.D. (P.D. 04-314 CC).

Reports and/or Resolutions of Standing Committees

MALONE
ADOPTED

13. Resolution approving the sale of twenty-six delinquent tax parcels from Tax Sale(s) 0004, 0005, 44, 51, 55, 83.1, 85.2, 89.3, 92.2A, 98.2, 0101, 0102, 0103, 0104, 0105, 0106 and 0107 pursuant to the provisions of the Tennessee Code Annotated, Section 67-5-2507.

MALONE
ADOPTED

14. Resolution approving the sale of twenty-three delinquent tax parcels from Tax Sale(s) 0002, 0005, 0102, 0106, 54, 82.1, 83.1, 89.5, 92.2A, 94.2, 94.3, 94.4, 95.2, 96.2, 97.2, 97.3 and 99.1 pursuant to the provisions of the Tennessee Code Annotated, Section 67-5-2507.

MALONE
ADOPTED

15. Resolution to approve the transfer of a tract of land, 18.629 acres, from Shelby County to the Memphis City Schools Board of Education for the expansion of Kate Bond Elementary School and the proposed construction of Kate Bond Middle School, without monetary consideration.

**MALONE
ADOPTED**

16. Resolution to approve a real property exchange of two Shelby County delinquent tax parcels, 19.7300 acres, and 19.600 acres, totaling 39.3300 acres in size, in exchange for a parcel of land, 18.629 acres, known as Kate Bond Park, owned by the Shelby County Conservation Board, without monetary consideration.

**LILLARD
(REMOVED
TO REGULAR
AGENDA)
ADOPTED**

17. Resolution authorizing Amendment Number 11 to Contract No. CA972096 with Parsons Transportation Group for additional professional services for the design of improvements to Houston Levee Road from the Wolf River to Macon Road and to move funds in the amount of \$42,035.00 from the right-of-way appropriation in Resolution No. 14, adopted March 14, 2006.

**LILLARD
(REMOVED
TO REGULAR
AGENDA)
ADOPTED**

18. Resolution authorizing the mayor to enter into a contract with White Contracting, Inc., for the construction and realignment of Houston Levee Road from north of the Wolf River to Macon Road; to accept funds from Briarcrest Christian School in the amount of \$200,000.00 for the construction of a pedestrian underpass; to accept funds in the amount of \$537,560.00 from Cash-in-Lieu of Construction, to appropriate funds in the amount of \$7,021,000.00 from the FY 2006/2007 CIP Budget for CIP Project No. 1000129, Houston Levee Road; and to amend the FY 2006/2007 CIP Budget.

**AVERY
ADOPTED**

19. Resolution to approve a grant from the Tennessee Department of Health to the Memphis and Shelby County Health Department in the amount of \$30,000.00 for the purpose of raising awareness of the Pandemic Influenza Threat for the period March 1, 2007 – August 30, 2007.

**CHISM
ADOPTED**

20. Resolution receiving and filing the report of the Judicial Commissioner Program as required by Tennessee Code Annotated, Section 40-1-111.

**CHISM
ADOPTED**

21. Resolution approving a contract with Self Tucker Architects, Inc., in the amount of \$74,100.00 for architectural services for the Shelby County Sheriff's Correctional Training Facility Expansion.

**CHISM
(DEFERRED
TO 05/07/07)**

22. Resolution establishing a Shelby County Reserve EMT Unit and implementing program components.

**CHISM
(REMOVED
TO REGULAR
AGENDA)**

23. Resolution approving contract between Shelby County Government on behalf of the Juvenile Court of Memphis and Shelby County, and Tennessee Voices for Children in the amount of \$109,200.00 to provide intensive

ADOPTED		treatment for children with severe emotional disturbance.
RITZ ADOPTED	24.	A joint resolution urging the Memphis Metropolitan Planning Organization to expand the scope and authority of the Bicycle and Pedestrian Advisory Committee (BPAC).
HARVEY ADOPTED	25.	Resolution approving an agreement between the Memphis Cook Convention Center Commission and SMG for the management of the Memphis Cook Convention Center.
FLINN ADOPTED	26.	Resolution to authorize the Shelby County Community Services Agency to accept and expend \$2,777.72 from the Community Foundation of Middle Tennessee, Governor's Initiative "Operation Warm Homes Tennessee" grant and to amend the Shelby County FY 2007 Operating Budget.
FLINN ADOPTED	27.	Resolution to approve Amendment No. 3 to the Shelby County Community Services Agency's Community Services Block Grant Program contract due to additional allocations from the Tennessee Department of Human Services and to amend the FY 2007 Operating Budget.
GIBSON (DEFERRED TO 05/07/07)	28.	Resolution appropriating funds in the amount of \$30,000.00 for in-kind improvements to the Community Center of the New Chicago neighborhood.
GIBSON ADOPTED	29.	Resolution approving the transfer of title of one parcel of Homestead Program Property pursuant to Tennessee Code Annotated 7-66-101 to 7-66-111 and Resolution No. 24 adopted by the Shelby County Board of Commissioners on October 7, 1985, authorizing the implementation of the Shelby County Homestead Program.
GIBSON ADOPTED	30.	Resolution authorizing Shelby County Government to submit a grant application to the State of Tennessee Department of Economic and Community Development in the amount of \$600,000.00 through the Fast Track Infrastructure Development Program to renovate the fourth floor of the Emerge Memphis Building at 516 Tennessee Street, adding 15,000 square feet of space to accommodate 15-20 new incubator businesses.
CARPENTER ADOPTED	CONSENT AGENDA	

R E G U L A R A G E N D A

Elections, Appointments, and Confirmations

**BROOKS
ADOPTED**

31. Resolution approving the county mayor's nomination of William L. Taylor for appointment to the Memphis and Shelby County *Industrial Development Corporation*.

Ordinances

Zoning and Subdivisions

**RITZ
(DEFERRED
TO 05/07/07)**

32. CASE NO. P.D. 07-304 CC
APPLICANT: Land Development Group

LOCATION: North side of Manslick Road and western terminus of Presmond Road

REQUEST: A residential planned development consisting of 26 single family detached lots (minimum lot size = ±4,094 square feet)

Memphis and Shelby County Office of Planning and Development recommendation:

REJECTION

Memphis and Shelby County Land Use Control Board recommendation:

APPROVAL WITH CONDITIONS

(Notice of public hearing published in the Daily News on Friday, April 13, 2007.)

Reports and/or Resolutions for Standing Committees

**AVERY
(DEFERRED
TO 05/07/07)**

33. Resolution amending the FY 2007 Capital Improvement Plan appropriating \$2,500,000.00 in interest earnings for capital funding for the Regional Medical Center and amending the FY 2007 Operating Budget to provide \$2,000,000.00 in operating funds for the Regional Medical Center.

**CHISM
ADOPTED**

34. Resolution amending the FY 2006/2007 Operating Budget of the Juvenile Court of Memphis and Shelby County.

**BUNKER
ADOPTED**

35. Resolution to appropriate funds in the amount of \$50,000,000.00 from the FY 2007 Capital Improvement Budget to Memphis City Schools in accordance with the terms of the Joint Agreement between Memphis City School Board, Shelby County School Board and the Shelby County Board of Commissioners for CIP Funding for Fiscal Years 2006-2009.

**HARVEY
DEFERRED
TO 05/07/07)**

36. Resolution approving retainage of a law firm for the purpose of initiating litigation against PC Sports, M.A. Mortenson Company, and /or Ellerbe Becket.

**BROOKS
(DEFERRED
TO 05/07/07)**

37. Resolution approving and adopting an amendment to Volume II, Shelby County Government Personnel Management System, to change a provision to the Sick Leave Policy thereby amending Resolution Number 45 adopted on July 30, 1979.

**MULROY
ADOPTED**

38. Resolution by the Board of County Commissioners of Shelby County, Tennessee, requesting members of the Tennessee General Assembly to support the Schools First education plan.

**MULROY
ADOPTED**

39. Resolution by the Board of County Commissioners of Shelby County, Tennessee, requesting the members of the Tennessee General Assembly to allow Shelby County to set the income level for senior tax relief at the median income for Shelby County residents who are ages 65 years and older.

**MALONE
ADOPTED**

- 39A. Resolution requesting the Mayor's Administration to prepare a financial impact analysis of a Mayor-Commission form of County Government.

Announcements/Statements

40. Notification from county mayor of various appointments/reappointments to Boards, Commissions, and offices of Shelby County Government.
- a.) Resolution approving the County Mayor's nomination of Mary H. McDaniel for appointment to the Shelby County Healthcare Corporation.

Adjournment

**MALONE
ADOPTED**

41. Resolution of Adjournment to Monday, May 7, 2007, at 2:30 p.m.